

IT IS ORDERED as set forth below:



Date: February 28, 2012

Mary Grace Diehl

Mary Grace Diehl
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:	:	CASE NUMBER
	:	
Fuel Barrons, Inc.	:	
d/b/a Ozofire and Surefire,	:	12-51650-MGD
	:	
Debtor.	:	CHAPTER 11
	:	

ORDER DENYING MOTION TO TRANSFER CASE

Before the Court is a Motion to Transfer Case filed by a select group of personal injury creditors (“Movants”). (Docket No. 5). Movants sought an intra-district transfer of this case based on the relatedness of the above-styled case and the pending Chapter 11 case of Napa Home and Garden, Inc. (“Napa”), which was filed July 5, 2011 and assigned to the Honorable Joyce Bihary. Great American E&S Insurance Company (“GAESIC”) filed a response in opposition to the Motion to Transfer. (Docket No. 17). The Chapter 11 Trustee in Napa also filed a response to the Motion to Transfer, supporting the transfer. (Docket No. 30). On February 13, 2012, a hearing was held on the Motion to Transfer. Present at the hearing were Gregory Ellis, Debtor’s attorney; Louis G.

McBryan and Laura Woodson for Movants; John Collen for GAESIC; and Karen Fagin White as the Napa Chapter 11 Trustee.

The basis for the request to transfer is that Debtor's similarities to Napa would allow for easier coordination and potentially some economy of efforts by the parties. Movants assert that this Debtor and Napa share similarly situated personal injury creditors and involve many of the same facts, parties, and legal theories. Movants also emphasize that Debtor is not operational and is not in a position to reorganize. Debtor does not oppose the motion, and the Napa Trustee supports the motion.

GAESIC contends, and the Court agrees, that the motion is premature. Given the current posture of the Napa case and the short history of this case, there is no current, tangible advantage to transferring the case. No bar date has been set in this case and the extent of the creditor body remains unknown.

Given the highly discretionary nature of transfers and the status of both cases, there is no basis to grant the Motion to Transfer at this time. This ruling does not impede on the parties' attempts to reach a global settlement for the personal injury claimants or for a coordinated claims process to be adopted in both cases. Movants may elect to renew their Motion when the facts in each case substantially materialize and provide support for transfer of this case. Accordingly, it is

ORDERED that Movants' Motion to Transfer is here by **DENIED** without prejudice.

The Clerk shall serve a copy of this Order upon the parties on the attached distribution list.

END OF DOCUMENT

Distribution List

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